IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.914 OF 2005

IN

SPECIAL SUIT NO.1 OF 2005

WITH

CIVIL APPLICATION NO.1205 OF 2005

M/s.Jumbo Electronics ...Appellants

Versus

M/s.Jumbo Distributors Pvt.Ltd.

& Ors. ...Respondents

.....

Ms.Kirti Munshi with Mr.Hemang J.Engineer with

Ms.Deepal J.Thakar i/b M/s.Gordhandas & Fozdar

for Appellants.

Mr.Rahul Chitnis i/b Mr.Rahul D.Oak for Respondents.

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CORAM: A.M.KHANWILKAR, J.

JULY 19, 2006.

P.C.

1. Heard Counsel for the parties.

2. I find substance in the stand taken on behalf of the Respondents that the order which is

impugned in this Appeal from Order was passed as back as on 12th August 2005. By the said order, the application for interim relief during the pendency of the suit has been rejected by the Trial Court.

3. It is not in dispute that at no point of time, any ad-interim relief was enjoyed by the Appellants. The main proceedings pertain to the claim of passing off. In such a situation, I find no propriety in entertaining this Appeal at this distance of time. Instead, the Appeal is disposed of with direction to the Trial Court to expedite the hearing of the suit being Special Suit No.1 of 2005 to be finally disposed of by end of March 2007.

4. Parties to appear before the Trial Court on 28th July 2006, on which date, the Trial Court shall assign suitable date for hearing of the suit.

5. The above observation is made on the basis of assurance given by the parties through Counsel that they will extend full cooperation to the Trial

Court for early disposal of the Suit and not seek adjournment on any count.

6. It is made clear that the Trial Court shall decide all issues on its own merits in accordance with law uninfluenced by the observations made in the impugned order or by the dismissal of this Appeal.

7. Appeal and the cognate Civil Application disposed of on the above terms.

A.M.KHANWILKAR, J.